

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

TERRY KUEHNER, :
Petitioner : CIVIL ACTION NO. 3:16-1576
v. : (Judge Mannion)
COMM. OF PENNSYLVANIA, :
Respondent :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**
HEREBY ORDERED THAT:

1. The petition for writ of habeas corpus, (Doc. [1](#)) is **DISMISSED** without prejudice to any right Petitioner may have to reassert his instant claims in a properly filed civil rights action.
2. The Clerk of Court shall **CLOSE** this case.
3. There is no probable cause to issue a certificate of appealability.¹

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: October 17, 2016

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2016 MEMORANDA\16-1576-01-order.wpd

¹Jurists of reason would not debate the procedural or substantive disposition of the Petitioner's claims. See [Slack v. McDaniel, 529 U.S. 473, 484 \(2000\)](#). Therefore, no certificate of appealability will be granted. See [id.](#)